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3                   UNITED STATES DISTRICT COURT  
4                   WESTERN DISTRICT OF WASHINGTON  
5                   AT TACOMA  
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7                   VERONICA L. WHITTY,  
8  
9

v.  
10                  Plaintiff,

11                  MICHAEL J. ASTRUE, Commissioner of  
12                  Social Security,  
13

14                  Defendant.  
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16                  Case No. 12-5314 RJB-KLS  
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18                  REPORT AND RECOMMENDATION

19                  This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C.  
20                  § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W.  
21                  v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for  
22                  remand. (ECF #9). After reviewing the parties' stipulated motion and the remaining record, the  
23                  undersigned recommends that the Court grant the parties' motion, and remand this matter to the  
24                  Commissioner for further proceedings.

25                  This Court recommends that on remand, the Administrative Law Judge (ALJ) will hold a  
26                  de novo hearing as significant portions of the original recording held on August 10, 2010 are  
inaudible. The ALJ will provide Plaintiff the opportunity to give testimony, and if necessary,  
will obtain vocational expert testimony at step 4 and, if necessary, step 5 of the sequential  
evaluation; and will issue a new decision. Upon proper presentation, the Court will consider  
Plaintiff's application for attorney fees under the Equal Access to Justice Act and 406(b), if  
appropriate.

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Given the fact of the parties' stipulation, the Court recommends that the District Judge immediately approve this Report and Recommendation and order the case **REVERSED** and **REMANDED**. A proposed order accompanies this Report and Recommendation.

DATED this 2<sup>nd</sup> day of October, 2012.



Karen L. Strombom  
United States Magistrate Judge